

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACK BROWN,

§

Plaintiff,

§

v.

§ CIVIL ACTION NO. H-08-0372

BAYLOR HEALTH CARE
SYSTEM, *et al.*,

§

Defendants.

§

FINAL JUDGMENT

For the reasons stated in this court's Memorandum and Order entered this date, the defendants are entitled to summary judgment that the sole claim of U.S. Patent No. 4,857,713 ("the '713 Patent") is invalid for indefiniteness under 35 U.S.C. § 112, ¶2.

This action is dismissed, with prejudice. Defendants are awarded costs of court.

SIGNED on July 20, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge